

**TUESDAY, APRIL 23, 2019**

**THIRTY-SECOND LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Casada.

The proceedings were opened with prayer by Rep. Smith.

Representative Smith led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 91

Representatives present were Baum, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, Dixie, Doggett, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada -- 91

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Moody; personal

Representative Beck

**PRESENT IN CHAMBER**

Rep. Russell was recorded as being present in the Chamber.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 394** Reps. Cochran, Doggett, Wright, Terry, Tillis, Kumar, Smith, Coley, Eldridge, Lamberth, Powers, Daniel, Sanderson and Littleton as prime sponsors.

**House Joint Resolution No. 575** Rep. Russell as prime sponsor.

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**House Bill No. 70** Rep. Smith as prime sponsor.

**House Bill No. 939** Rep. Powers as prime sponsor.

**House Bill No. 991** Reps. White and Kumar as prime sponsors.

**House Bill No. 1284** Rep. Kumar as prime sponsor.

**MESSAGE FROM THE SENATE  
April 23, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 557; The Senate nonconcurred in House Amendment No(s). 1

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 23, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 657; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 23, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 1443; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 1443** -- Local Government, General - As introduced, prohibits a local government from requiring an alarm systems contractor or business to acquire permits for the operation of alarm systems; prohibits local governments from imposing fines or fees on an alarm systems contractor or business for false alarms. - Amends TCA Title 7 and Title 62, Chapter 32. by \*Bailey, \*Dickerson. (\*HB602 by \*Marsh, \*Todd)

**MESSAGE FROM THE SENATE  
April 23, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 352, 498, 499, 500, 501, 502, 503, 506, 504, 507, 508, 509, 510, 511, 512, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 526, 527, 528, 529 and 546; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 352** -- Naming and Designating - "Williams Syndrome Awareness Month," May 2019. by \*Gardenhire, \*Swann, \*Bell, \*Stevens, \*White.

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**\*Senate Joint Resolution No. 498** -- Memorials, Professional Achievement - Liz Alvey. by \*Johnson, \*Rose, \*McNally, \*Kurita, \*Bailey, \*Kyle, \*Roberts, \*Southerland, \*Stevens.

**\*Senate Joint Resolution No. 499** -- Memorials, Recognition - Homer Bradley, Governor's Volunteer Stars Award. by \*Haile.

**\*Senate Joint Resolution No. 500** -- Memorials, Interns - Kyle Edmondson. by \*Crowe.

**\*Senate Joint Resolution No. 501** -- Memorials, Academic Achievement - Parker Stout, Third Place Graduate, Monterey High School. by \*Bailey.

**\*Senate Joint Resolution No. 502** -- Memorials, Academic Achievement - Abbygail Bilbrey, Salutatorian, Monterey High School. by \*Bailey.

**\*Senate Joint Resolution No. 503** -- Memorials, Academic Achievement - Cherokee Parker, Valedictorian, Monterey High School. by \*Bailey.

**\*Senate Joint Resolution No. 506** -- Memorials, Academic Achievement - Lukas Christopher Carpenter, Valedictorian, Greenbrier High School. by \*Roberts.

**\*Senate Joint Resolution No. 504** -- Memorials, Recognition - Charissa Smith, 2019 Boys & Girls Clubs of Rutherford County Youth of the Year. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 507** -- Memorials, Academic Achievement - Neh Ashokkumar Patel, Salutatorian, Greenbrier High School. by \*Roberts.

**\*Senate Joint Resolution No. 508** -- Memorials, Academic Achievement - Kennedy Nichols, Valedictorian, Cheatham County Central High School. by \*Roberts.

**\*Senate Joint Resolution No. 509** -- Memorials, Academic Achievement - Mallory Anderson, Salutatorian, Cheatham County Central High School. by \*Roberts.

**\*Senate Joint Resolution No. 510** -- Memorials, Personal Achievement - Alex Ingram, Eagle Scout. by \*Southerland.

**\*Senate Joint Resolution No. 511** -- Memorials, Personal Achievement - Kyle Moshier, Eagle Scout. by \*Southerland.

**\*Senate Joint Resolution No. 512** -- Memorials, Personal Achievement - Lance Davenport, Eagle Scout. by \*Southerland.

**\*Senate Joint Resolution No. 515** -- Memorials, Academic Achievement - Megan Redmon, Salutatorian, DeKalb County High School. by \*Pody.

**\*Senate Joint Resolution No. 516** -- Memorials, Academic Achievement - Madison Cantrell, Valedictorian, DeKalb County High School. by \*Pody.

**\*Senate Joint Resolution No. 517** -- Memorials, Recognition - The Donoho Hotel, 105th anniversary. by \*Pody.

## **TUESDAY, APRIL 23, 2019 - THIRTY-SECOND LEGISLATIVE DAY**

**\*Senate Joint Resolution No. 518** -- Memorials, Academic Achievement - Kaleigh Wills, Valedictorian, Heritage Christian Academy. by \*Pody.

**\*Senate Joint Resolution No. 519** -- Memorials, Academic Achievement - Jacob Hough, Salutatorian, Heritage Christian Academy. by \*Pody.

**\*Senate Joint Resolution No. 520** -- Memorials, Academic Achievement - Erika Taylor, Valedictorian, Cannon County High School. by \*Pody.

**\*Senate Joint Resolution No. 521** -- Memorials, Academic Achievement - Lauren Underwood, Salutatorian, Cannon County High School. by \*Pody.

**\*Senate Joint Resolution No. 522** -- Memorials, Professional Achievement - Dr. Carroll E. Rose. by \*Niceley.

**\*Senate Joint Resolution No. 523** -- Memorials, Death - John "Johnny" Edward Sweat. by \*Gresham.

**\*Senate Joint Resolution No. 524** -- Memorials, Death - Paula Elaine Hicks Platt. by \*Gresham.

**\*Senate Joint Resolution No. 526** -- Memorials, Death - Arthur Blaine "Butch" Carr. by \*Crowe.

**\*Senate Joint Resolution No. 527** -- Memorials, Recognition - CHC Companies, 50th anniversary. by \*Bailey.

**\*Senate Joint Resolution No. 528** -- Memorials, Death - Reverend Doug Baker. by \*Gresham.

**\*Senate Joint Resolution No. 529** -- Memorials, Death - Bettye Swain Norwood. by \*Gresham.

**\*Senate Joint Resolution No. 546** -- Memorials, Recognition - Tallest Post Oak in the United States. by \*Watson, \*Gardenhire.

### **WELCOMING AND HONORING**

#### **RECOGNITION IN THE WELL**

Representative M. Hill was recognized in the Well to honor the 40th anniversary of Taiwan Relations Act.

#### **RESOLUTION READ**

The Clerk read House Joint Resolution No. 440, adopted April 11, 2019.

**\*House Joint Resolution No. 440** -- Memorials, Recognition - 40th anniversary of Taiwan Relations Act. by \*Hill M, \*Lamberth, \*Hill T, \*Van Huss.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for April 24, 2019:

**House Resolution No. 110** -- Memorials, Sports - Rusty Yaden, District 3-A Coach of the Year. by \*Windle.

**House Resolution No. 111** -- Memorials, Academic Achievement - Zeena Whayeb, Salutatorian, Chattanooga Central High School. by \*Smith.

**House Resolution No. 112** -- Memorials, Academic Achievement - Preston Fore, Valedictorian, Chattanooga Central High School. by \*Smith.

**House Resolution No. 113** -- Memorials, Academic Achievement - Quincy Card, Salutatorian, St. Benedict at Auburndale High School. by \*Thompson.

**House Resolution No. 114** -- Memorials, Academic Achievement - Wyatt Ellis, Valedictorian, St. Benedict at Auburndale High School. by \*Thompson.

**House Resolution No. 115** -- Memorials, Interns - Kamaldeep Singh. by \*Thompson.

**House Resolution No. 116** -- Memorials, Interns - Khyiah K. Riviears. by \*Moon.

**House Resolution No. 117** -- Memorials, Interns - Tara Robbins. by \*Lamberth.

**\*House Joint Resolution No. 577** -- Memorials, Academic Achievement - Aleha Cole, Salutatorian, Douglass High School. by \*Parkinson.

**\*House Joint Resolution No. 578** -- Memorials, Academic Achievement - Hannah Fields, Valedictorian, Douglass High School. by \*Parkinson.

**\*House Joint Resolution No. 579** -- Memorials, Academic Achievement - Tupac S. Moseley, Valedictorian, Raleigh Egypt High School. by \*Parkinson.

**\*House Joint Resolution No. 580** -- Memorials, Academic Achievement - Daniela Carrillo, Salutatorian, Raleigh Egypt High School. by \*Parkinson.

**\*House Joint Resolution No. 581** -- Memorials, Sports - Charles F. Wilson, Jr. by \*Dixie.

**\*House Joint Resolution No. 582** -- Memorials, Retirement - Gary Howard. by \*Windle.

**\*House Joint Resolution No. 583** -- Memorials, Sports - Hunter Sturgill. by \*Moon.

**\*House Joint Resolution No. 584** -- Memorials, Interns - Savannah Morgan Cagle. by \*Howell, \*Weaver, \*Whitson, \*Griffey.

**\*House Joint Resolution No. 585** -- Memorials, Death - James Westley "Mutt" Pritchett. by \*Weaver.

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**\*House Joint Resolution No. 586** -- Memorials, Recognition - "Arts in Education Week". by \*Weaver.

**\*House Joint Resolution No. 587** -- Memorials, Professional Achievement - AHC McNairy County, 2018 Silver Achievement in Quality Award. by \*Gant.

**\*House Joint Resolution No. 588** -- Memorials, Recognition - National Drug Endangered Children Awareness Day. by \*Littleton.

**\*House Joint Resolution No. 589** -- Memorials, Recognition - Collinwood American Legion Post 254 Funeral Honors Team. by \*Byrd.

**\*House Joint Resolution No. 590** -- Memorials, Death - Bob Taylor Oakley. by \*Weaver.

**\*House Joint Resolution No. 591** -- Memorials, Academic Achievement - Isabella Rose Terry, Top Ten Graduate, Smith County High School. by \*Weaver.

**\*House Joint Resolution No. 592** -- Memorials, Academic Achievement - Kaitlyn Victoria Lankford, Top Ten Graduate, Smith County High School. by \*Weaver.

**\*House Joint Resolution No. 593** -- Memorials, Academic Achievement - Hannah Makailyn Gregory, Top Ten Graduate, Smith County High School. by \*Weaver.

**\*House Joint Resolution No. 594** -- Memorials, Academic Achievement - Samantha Nicole Lewis, Top Ten Graduate, Smith County High School. by \*Weaver.

**\*House Joint Resolution No. 595** -- Memorials, Academic Achievement - Kendall Nicole Williams, Top Ten Graduate, Smith County High School. by \*Weaver.

**\*House Joint Resolution No. 596** -- Memorials, Academic Achievement - Avery Anne Schoolfield, Top Ten Graduate, Smith County High School. by \*Weaver.

**\*House Joint Resolution No. 597** -- Memorials, Academic Achievement - Jessica Lynn Maynard, Top Ten Graduate, Smith County High School. by \*Weaver.

**\*House Joint Resolution No. 598** -- Memorials, Academic Achievement - Ethan Adam Buckler, Top Ten Graduate, Smith County High School. by \*Weaver.

**\*House Joint Resolution No. 599** -- Memorials, Interns - Rosalie Gunger. by \*Sparks.

**\*House Joint Resolution No. 600** -- Memorials, Interns - Davida Johnson. by \*Sparks.

**\*House Joint Resolution No. 601** -- Memorials, Recognition - CareNet Pregnancy Medical Center, 25th anniversary. by \*Littleton, \*Curcio.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar No. 2 for April 23, 2019:

**\*Senate Joint Resolution No. 498** -- Memorials, Professional Achievement - Liz Alvey. by \*Johnson, \*Rose, \*McNally, \*Kurita, \*Bailey, \*Kyle, \*Roberts, \*Southerland, \*Stevens.

**\*Senate Joint Resolution No. 499** -- Memorials, Recognition - Homer Bradley, Governor's Volunteer Stars Award. by \*Haile.

**\*Senate Joint Resolution No. 500** -- Memorials, Interns - Kyle Edmondson. by \*Crowe.

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**\*Senate Joint Resolution No. 507** -- Memorials, Academic Achievement - Neh Ashokkumar Patel, Salutatorian, Greenbrier High School. by \*Roberts.

**\*Senate Joint Resolution No. 508** -- Memorials, Academic Achievement - Kennedy Nichols, Valedictorian, Cheatham County Central High School. by \*Roberts.

**\*Senate Joint Resolution No. 509** -- Memorials, Academic Achievement - Mallory Anderson, Salutatorian, Cheatham County Central High School. by \*Roberts.

**\*Senate Joint Resolution No. 510** -- Memorials, Personal Achievement - Alex Ingram, Eagle Scout. by \*Southerland.

**\*Senate Joint Resolution No. 511** -- Memorials, Personal Achievement - Kyle Moshier, Eagle Scout. by \*Southerland.

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**\*Senate Joint Resolution No. 515** -- Memorials, Academic Achievement - Megan Redmon, Salutatorian, DeKalb County High School. by \*Pody.

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**\*Senate Joint Resolution No. 516** -- Memorials, Academic Achievement - Madison Cantrell, Valedictorian, DeKalb County High School. by \*Pody.

**\*Senate Joint Resolution No. 517** -- Memorials, Recognition - The Donoho Hotel, 105th anniversary. by \*Pody.

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**\*Senate Joint Resolution No. 546** -- Memorials, Recognition - Tallest Post Oak in the United States. by \*Watson, \*Gardenhire.

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 23, 2019**, reported the following:

#### **EDUCATION COMMITTEE**

The Education Committee recommended for passage: Senate Joint Resolution No. 166. Under the rules, each was transmitted to the Calendar and Rules Committee.

**FINANCE, WAYS, AND MEANS COMMITTEE**

The Finance, Ways, and Means Committee recommended for passage: House Bills Nos. 1508, 1510 and 1509 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**NAMING, DESIGNATING, AND PRIVATE ACTS COMMITTEE**

The Naming, Designating, & Private Acts Committee recommended for passage: House Bills Nos. 1534, 1527, 1532, 1535, 1533, 1529, 1530, 1536, 1537, 1512, 1538, 1539, 1540, 1541, 1531 and House Joint Resolution No. 397. Under the rules, each was transmitted to the Calendar and Rules Committee.

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar** for **April 24, 2019**: House Bills Nos. 624, 509, 1537, 1512, 1529, 1540, 1527, and 207.

The committee also set the following bills on the **Appropriations Calendar** for **April 24, 2019**: House Bills Nos. 1508, 1510, and 1509.

It further reports that it set the following bills and resolutions on the **Consent Calendar** for **April 24, 2019**: House Bills Nos. 1539, 1530, 1538, Senate Joint Resolution No. 166, House Joint Resolution No. 397, House Bills Nos. 1531, 1534, 1532, 1535, and 1541.

**CONSENT CALENDAR**

**House Resolution No. 107** -- Memorials, Interns - Thomas E. King. by \*Love.

**House Resolution No. 108** -- Memorials, Recognition - Eliza Smith. by \*Hicks.

**House Resolution No. 109** -- Memorials, Retirement - Master Chief Petty Officer Ellis Eugene Picheloupe. by \*Holt.

**\*House Joint Resolution No. 521** -- Memorials, Professional Achievement - Carma Dennis McGee, Tennessee Court of Appeals. by \*Holt.

**\*House Joint Resolution No. 522** -- Memorials, Academic Achievement - Molly Hurt, Top Ten Senior, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 523** -- Memorials, Academic Achievement - Mollie Jones, Top Ten Senior, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 524** -- Memorials, Academic Achievement - Alex Layne, Top Ten Senior, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 525** -- Memorials, Academic Achievement - Dasan Lundy, Top Ten Senior, Frank Hughes High School. by \*Byrd.

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**\*House Joint Resolution No. 526** -- Memorials, Academic Achievement - Greenlee Pitts, Top Ten Senior, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 527** -- Memorials, Academic Achievement - Brianna Stricklin, Top Ten Senior, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 528** -- Memorials, Academic Achievement - Kenlyn Prater, Top Ten Senior, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 529** -- Memorials, Academic Achievement - Hannah Ray, Top Ten Senior, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 530** -- Memorials, Academic Achievement - Hannah Nance, Salutatorian, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 531** -- Memorials, Academic Achievement - Samantha McCasland, Valedictorian, Frank Hughes High School. by \*Byrd.

**\*House Joint Resolution No. 532** -- Memorials, Academic Achievement - Brittney McLin, Top Ten Senior, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 533** -- Memorials, Academic Achievement - Mickylie Bratton, Top Ten Senior, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 534** -- Memorials, Academic Achievement - Hailey Pierce, Top Ten Senior, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 535** -- Memorials, Academic Achievement - Alex Moore, Top Ten Senior, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 536** -- Memorials, Academic Achievement - Weston Hollis, Top Ten Senior, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 537** -- Memorials, Academic Achievement - Gwen Skaggs, Top Ten Senior, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 538** -- Memorials, Academic Achievement - Haley Holt, Top Ten Senior, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 539** -- Memorials, Academic Achievement - Emma McWilliams, Top Ten Senior, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 540** -- Memorials, Academic Achievement - Felicity Simmons, Salutatorian, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 541** -- Memorials, Academic Achievement - Katie Kelley, Valedictorian, Collinwood High School. by \*Byrd.

**\*House Joint Resolution No. 542** -- Memorials, Academic Achievement - Tatum Alexa Hogan, Top Ten Senior, Hardin County High School. by \*Byrd.

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**\*House Joint Resolution No. 543** -- Memorials, Academic Achievement - Haley Renee Hopkins, Top Ten Senior, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 544** -- Memorials, Academic Achievement - Lauryn Olivia Harrison, Top Ten Senior, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 545** -- Memorials, Academic Achievement - Bailey Thomas Bond, Top Ten Senior, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 546** -- Memorials, Academic Achievement - Bailey Jean Poppy, Top Ten Senior, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 547** -- Memorials, Academic Achievement - Benjamin Richard Brown, Top Ten Senior, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 548** -- Memorials, Academic Achievement - Taia Nicole Sorrell, Top Ten Senior, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 549** -- Memorials, Academic Achievement - Cody Blake Wilson, Top Ten Senior, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 550** -- Memorials, Academic Achievement - Padyn Callie Davis, Salutatorian, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 551** -- Memorials, Academic Achievement - Robert Abram Adkisson, Valedictorian, Hardin County High School. by \*Byrd.

**\*House Joint Resolution No. 552** -- Memorials, Academic Achievement - Christian Davis, Top Ten Senior, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 553** -- Memorials, Academic Achievement - Ashleigh Skimehorne, Top Ten Senior, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 554** -- Memorials, Academic Achievement - Kristah Singleton, Top Ten Senior, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 555** -- Memorials, Academic Achievement - Gabby Davis, Top Ten Senior, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 556** -- Memorials, Academic Achievement - Josie Goldsby, Top Ten Senior, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 557** -- Memorials, Academic Achievement - Aaron Wilson, Top Ten Senior, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 558** -- Memorials, Academic Achievement - Myles Prince, Top Ten Senior, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 559** -- Memorials, Academic Achievement - Kayleigh Beth Hurst, Top Ten Senior, Wayne County High School. by \*Byrd.

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**\*House Joint Resolution No. 560** -- Memorials, Academic Achievement - Morgan Bevis, Salutatorian, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 561** -- Memorials, Academic Achievement - Hunter Hatchett, Valedictorian, Wayne County High School. by \*Byrd.

**\*House Joint Resolution No. 562** -- Memorials, Academic Achievement - Madison Rose Flick, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 563** -- Memorials, Academic Achievement - Kaitlyn Desiree Kilburn, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 564** -- Memorials, Academic Achievement - Marla Elizabeth Mathews, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 565** -- Memorials, Academic Achievement - John Paul Kerstiens, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 566** -- Memorials, Academic Achievement - Gracie Elizabeth Bedford, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 567** -- Memorials, Academic Achievement - Katelynn Elizabeth Massey, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 568** -- Memorials, Academic Achievement - Naomi Cheyenne Scott, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 569** -- Memorials, Academic Achievement - Addisen Grace Smith, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 570** -- Memorials, Academic Achievement - Tea Denise Burleson, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 571** -- Memorials, Academic Achievement - Leah Elizabeth Flick, Top Ten Senior, Summertown High School. by \*Byrd.

**\*House Joint Resolution No. 572** -- Memorials, Recognition - Wayne County Technology Center HOSA. by \*Byrd.

**\*House Joint Resolution No. 573** -- Memorials, Recognition - Minister Larry Keele, Midway Church of Christ. by \*Byrd.

**\*House Joint Resolution No. 574** -- Memorials, Sports - Hardin County High School Lady Tigers bowling team, 2019 State Champions. by \*Byrd.

**\*House Joint Resolution No. 575** -- Memorials, Recognition - Maryville High School, 100th anniversary. by \*Ramsey, \*Moon, \*Russell, \*Baum, \*Boyd, \*Bricken, \*Byrd, \*Calfee, \*Camper, \*Carr, \*Carter, \*Casada, \*Cepicky, \*Chism, \*Clemmons, \*Cochran, \*Coley, \*Cooper, \*Crawford, \*Curcio, \*Daniel, \*Dixie, \*Doggett, \*Dunn, \*Eldridge, \*Faison, \*Farmer, \*Gant, \*Garrett, \*Griffey, \*Hakeem, \*Halford, \*Hall, \*Hardaway, \*Haston, \*Hawk, \*Hazlewood, \*Helton, \*Hicks, \*Hill M, \*Hill T, \*Hodges, \*Holsclaw, \*Holt, \*Howell, \*Hulsey, \*Hurt, \*Jernigan, \*Johnson

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C, \*Johnson G, \*Keisling, \*Kumar, \*Lafferty, \*Lamar, \*Lamberth, \*Leatherwood, \*Littleton, \*Love, \*Lynn, \*Marsh, \*Miller, \*Parkinson, \*Potts, \*Powell, \*Powers, \*Reedy, \*Rudd, \*Rudder, \*Sanderson, \*Sexton C, \*Sexton J, \*Shaw, \*Sherrell, \*Smith, \*Sparks, \*Staples, \*Terry, \*Thompson, \*Tillis, \*Todd, \*Travis, \*Van Huss, \*Vaughan, \*Weaver, \*White, \*Whitson, \*Windle, \*Wright, \*Zachary.

**\*House Joint Resolution No. 576** -- Memorials, Sports - Wooddale High School boys' basketball team, Class AA State Champions. by \*Camper.

**OBJECTION--CONSENT CALENDAR**

Objection was filed to the following on the Consent Calendar:

**House Joint Resolution No. 521:** by Rep. Holt

Under the rules, House Joint Resolution No. 521, was placed at the heel of the calendar for April 24, 2019.

Rep. Ramsey moved that all members voting aye on House Joint Resolution No. 575 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Ragan and Williams.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	90
Noes.....	1
Present and not voting.....	2

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Moon, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Casada--90

Representatives voting no were: Stewart--1

Representatives present and not voting were: Freeman, Mitchell--2

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

**\*Senate Joint Resolution No. 498** -- Memorials, Professional Achievement - Liz Alvey. by \*Johnson, \*Rose, \*McNally, \*Kurita, \*Bailey, \*Kyle, \*Roberts, \*Southerland, \*Stevens.

**\*Senate Joint Resolution No. 499** -- Memorials, Recognition - Homer Bradley, Governor's Volunteer Stars Award. by \*Haile.

**\*Senate Joint Resolution No. 500** -- Memorials, Interns - Kyle Edmondson. by \*Crowe.

**\*Senate Joint Resolution No. 501** -- Memorials, Academic Achievement - Parker Stout, Third Place Graduate, Monterey High School. by \*Bailey.

**\*Senate Joint Resolution No. 502** -- Memorials, Academic Achievement - Abbygail Bilbrey, Salutatorian, Monterey High School. by \*Bailey.

**\*Senate Joint Resolution No. 503** -- Memorials, Academic Achievement - Cherokee Parker, Valedictorian, Monterey High School. by \*Bailey.

**\*Senate Joint Resolution No. 504** -- Memorials, Recognition - Charissa Smith, 2019 Boys & Girls Clubs of Rutherford County Youth of the Year. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 506** -- Memorials, Academic Achievement - Lukas Christopher Carpenter, Valedictorian, Greenbrier High School. by \*Roberts.

**\*Senate Joint Resolution No. 507** -- Memorials, Academic Achievement - Neh Ashokkumar Patel, Salutatorian, Greenbrier High School. by \*Roberts.

**\*Senate Joint Resolution No. 508** -- Memorials, Academic Achievement - Kennedy Nichols, Valedictorian, Cheatham County Central High School. by \*Roberts.

**\*Senate Joint Resolution No. 509** -- Memorials, Academic Achievement - Mallory Anderson, Salutatorian, Cheatham County Central High School. by \*Roberts.

**\*Senate Joint Resolution No. 510** -- Memorials, Personal Achievement - Alex Ingram, Eagle Scout. by \*Southerland.

**\*Senate Joint Resolution No. 511** -- Memorials, Personal Achievement - Kyle Moshier, Eagle Scout. by \*Southerland.

**\*Senate Joint Resolution No. 512** -- Memorials, Personal Achievement - Lance Davenport, Eagle Scout. by \*Southerland.

**\*Senate Joint Resolution No. 515** -- Memorials, Academic Achievement - Megan Redmon, Salutatorian, DeKalb County High School. by \*Pody.

**\*Senate Joint Resolution No. 516** -- Memorials, Academic Achievement - Madison Cantrell, Valedictorian, DeKalb County High School. by \*Pody.

**\*Senate Joint Resolution No. 517** -- Memorials, Recognition - The Donoho Hotel, 105th anniversary. by \*Pody.

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**\*Senate Joint Resolution No. 518** -- Memorials, Academic Achievement - Kaleigh Wills, Valedictorian, Heritage Christian Academy. by \*Pody.

**\*Senate Joint Resolution No. 519** -- Memorials, Academic Achievement - Jacob Hough, Salutatorian, Heritage Christian Academy. by \*Pody.

**\*Senate Joint Resolution No. 520** -- Memorials, Academic Achievement - Erika Taylor, Valedictorian, Cannon County High School. by \*Pody.

**\*Senate Joint Resolution No. 521** -- Memorials, Academic Achievement - Lauren Underwood, Salutatorian, Cannon County High School. by \*Pody.

**\*Senate Joint Resolution No. 522** -- Memorials, Professional Achievement - Dr. Carroll E. Rose. by \*Niceley.

**\*Senate Joint Resolution No. 523** -- Memorials, Death - John "Johnny" Edward Sweat. by \*Gresham.

**\*Senate Joint Resolution No. 524** -- Memorials, Death - Paula Elaine Hicks Platt. by \*Gresham.

**\*Senate Joint Resolution No. 526** -- Memorials, Death - Arthur Blaine "Butch" Carr. by \*Crowe.

**\*Senate Joint Resolution No. 527** -- Memorials, Recognition - CHC Companies, 50th anniversary. by \*Bailey.

**\*Senate Joint Resolution No. 528** -- Memorials, Death - Reverend Doug Baker. by \*Gresham.

**\*Senate Joint Resolution No. 529** -- Memorials, Death - Bettye Swain Norwood. by \*Gresham.

**\*Senate Joint Resolution No. 546** -- Memorials, Recognition - Tallest Post Oak in the United States. by \*Watson, \*Gardenhire.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt,

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Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Todd, Travis, Van Huss, Vaughan, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--91

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Joint Resolution No. 394** -- General Assembly, Studies - Urges governor to form an education task force to evaluate state testing, curriculum, and other mandated academic policies and procedures. by \*Hurt, \*Leatherwood, \*Baum, \*Rudder, \*Cepicky, \*Casada, \*Holt, \*Hill M, \*Lynn, \*Cochran, \*Doggett, \*Wright, \*Terry, \*Tillis, \*Kumar, \*Smith, \*Coley, \*Eldridge, \*Lamberth, \*Powers, \*Daniel, \*Sanderson, \*Littleton. (\*HJR394 by )

Rep. Hurt moved adoption of **House Joint Resolution No. 394**, which motion prevailed by the following vote:

Ayes ..... 95  
Noes..... 0

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**\*House Bill No. 939** -- Education - As introduced, extends, from 10 days to 30 days, the period of time after a local board of education orders a student's school assignment within which a parent, guardian, or legal representative may apply to the board for a hearing to challenge the reasonableness of the student's assignment and to request the student's transfer to another school. - Amends TCA Title 49, Chapter 6. by \*Lamberth. (SB795 by \*Johnson, \*Gresham, \*Kelsey)

Rep. Lamberth requested that House Bill No. 939 be moved to the heel of the Calendar, which motion prevailed.

**TUESDAY, APRIL 23, 2019 - THIRTY-SECOND LEGISLATIVE DAY**

**\*House Bill No. 602** -- Local Government, General - As introduced, prohibits a local government from requiring an alarm systems contractor or business to acquire permits for the operation of alarm systems; prohibits local governments from imposing fines or fees on an alarm systems contractor or business for false alarms. - Amends TCA Title 7 and Title 62, Chapter 32. by \*Marsh, \*Todd. (SB1443 by \*Bailey, \*Dickerson)

Further consideration of House Bill No. 602, previously considered on April 18, 2019, at which time it was reset for today's Calendar.

On motion, House Bill No. 602 was made to conform with **Senate Bill No. 1443**; the Senate Bill was substituted for the House Bill.

Rep. Marsh moved that Senate Bill No. 1443 be passed on third and final consideration.

Rep. T. Hill moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Marsh moved that **Senate Bill No. 1443** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes.....	15
Present and not voting.....	1

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Cochran, Coley, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Terry, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, Whitson, Williams, Wright, Zachary, Mr. Speaker Casada--78

Representatives voting no were: Chism, Clemmons, Cooper, Dixie, Freeman, Hardaway, Johnson G, Lamar, Miller, Mitchell, Parkinson, Potts, Stewart, Thompson, Windle--15

Representatives present and not voting were: White--1

A motion to reconsider was tabled.

**\*House Bill No. 1158** -- Local Education Agencies - As introduced, authorizes LEAs to establish a threat assessment team for the purpose of developing comprehensive, intervention-based approaches to prevent violence, manage reports of potential threats, and create a system that fosters a safe, supportive, and effective school environment. - Amends TCA Title 49. by \*Ogles. (SB1238 by \*Gresham)

Rep. Ogles moved that **House Bill No. 1158** be reset for the last Regular Calendar, which motion prevailed.

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**House Bill No. 1334** -- Health, Dept. of - As introduced, requires regional medical communication centers to provide monthly data to the commissioner regarding the number of flight requests rejected by a vendor and the patient volumes transported into the covered region; requires the commissioner to monthly post the data to the department's website in a manner accessible to the public. - Amends TCA Title 4 and Title 68. by \*Sparks. (\*SB626 by \*Watson)

Rep. Lamberth moved that **House Bill No. 1334** be reset for the Regular Calendar on April 30, 2019, which motion prevailed.

**House Bill No. 70** -- Education - As introduced, extends the date of the repeal of the Virtual Public Schools Act from June 30, 2019, to June 30, 2023. - Amends TCA Title 49, Chapter 16. by \*Powers, \*Sexton J, \*Byrd, \*Smith. (\*SB20 by \*Gresham)

Further consideration of House Bill No. 70, previously considered on the Consent Calendar for April 22, 2019, at which time it was objected to and reset for today's Regular Calendar.

On motion, House Bill No. 70 was made to conform with **Senate Bill No. 20**; the Senate Bill was substituted for the House Bill.

Rep. Powers moved that **Senate Bill No. 20** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	73
Noes.....	20

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Cochran, Coley, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Faison, Farmer, Garrett, Griffey, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Russell, Sanderson, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Terry, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--73

Representatives voting no were: Camper, Chism, Clemmons, Cooper, Dixie, Freeman, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Sexton C, Stewart, Thompson--20

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Rep. DeBerry was recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 389** -- Employees, Employers - As introduced, prohibits a medical review officer from considering prescriptions issued more than six months prior to a positive confirmed drug result for purposes of determining a valid prescription and immunity from actions authorized for employers to take against employees and job applicants following such a result under drug-free workplace program. - Amends TCA Title 8 and Title 50. by \*Helton. (\*SB312 by \*Watson)

Further consideration of House Bill No. 389, previously considered on April 22, 2019, at which time it was reset for today's Regular Calendar.

Rep. Lamberth moved that **House Bill No. 389** be reset for the Regular Calendar on April 30, 2019, which motion prevailed.

**House Bill No. 1022** -- Pensions and Retirement Benefits - As introduced, prohibits a current early service retiree from changing to disability retirement; makes other revisions to provisions governing the Tennessee consolidated retirement system. - Amends TCA Section 8-25-204; Section 8-25-205; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37. by \*Lynn. (\*SB633 by \*Watson)

Rep. Lynn moved that **House Bill No. 1022** be reset for the Regular Calendar on April 30, 2019, which motion prevailed.

**House Bill No. 991** -- Taxes - As introduced, increases maximum civil penalty for submitting a fraudulent application for a refund of sales tax paid on appliances bought due to a natural disaster from \$25,000 to \$25,500. - Amends TCA Title 67. by \*Ramsey, \*White, \*Kumar. (\*SB412 by \*Stevens)

Further consideration of House Bill No. 991, previously considered on April 22, 2019, at which time it was reset for today's Regular Calendar.

Rep. Ramsey moved that House Bill No. 991 be passed on third and final consideration.

Rep. Hazlewood moved that Finance, Ways and Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Holt moved adoption of House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 991 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1001, is amended by adding the following as a new subdivision:

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( ) "Hemp products" means rolled, shredded, ground, or pulverized hemp leaves or flowers for smoking or use in a manner as smokeless tobacco products, including snuff and chewing tobacco, are used;

SECTION 2. Tennessee Code Annotated, Section 67-4-1001, is amended by deleting the following language:

"Tobacco products" means cigars, cigarettes, manufactured tobacco and snuff, but not tobacco produced and processed by the grower for the grower's own use and not for sale;

and substituting instead the following:

"Tobacco products" means cigars, cigarettes, hemp products, manufactured tobacco, and snuff, but not tobacco or hemp produced and processed by the grower for the grower's own use and not for sale;

SECTION 3. Tennessee Code Annotated, Section 67-4-1005, is amended by deleting the following language:

The rate on all other tobacco products, including, but not limited to, cigars, cheroots, stogies, beedies, bidis, manufactured tobacco and snuff of all descriptions whether made of tobacco or any substitute for tobacco, shall be six and six-tenths percent (6.6%) of the wholesale cost price.

and substituting instead the following:

The rate on all other tobacco products, including, but not limited to, cigars, cheroots, stogies, beedies, bidis, hemp products, manufactured tobacco, and snuff of all descriptions whether made of tobacco or any substitute for tobacco, shall be six and six-tenths percent (6.6%) of the wholesale cost price.

SECTION 4. For purposes of promulgating forms and rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2020, the public welfare requiring it.

On motion, House Amendment No. 2 was adopted.

Rep. Ramsey moved that **House Bill No. 991**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes.....	3
Present and not voting.....	2

Representatives voting aye were: Baum, Boyd, Bricken, Calfee, Camper, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Dunn, Eldridge, Faison, Farmer, Freeman, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton,

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Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Parkinson, Potts, Powell, Ragan, Ramsey, Reedy, Rudder, Russell, Sanderson, Sexton C, Shaw, Sherrell, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Travis, Van Huss, Vaughan, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Casada--82

Representatives voting no were: Keisling, Sexton J, Windle--3

Representatives present and not voting were: Powers, Rudd--2

A motion to reconsider was tabled.

**\*Senate Bill No. 360** -- Tobacco, Tobacco Products - As introduced, expands the Prevention of Youth Access to Tobacco and Vapor Products Act and other laws concerning juveniles' access to tobacco and vaping products to apply to hemp for smoking. - Amends TCA Title 39; Title 40 and Section 68-1-132. by \*Southerland, \*Niceley. (HB1284 by \*Reedy, \*Ramsey, \*Todd, \*Helton, \*Moon, \*White, \*Chism, \*Hardaway, \*Powell, \*Bricken, \*Kumar)

Further consideration of Senate Bill No. 360, previously considered on April 10, 2019 and April 22, 2019, at which time it was reset for today's Calendar.

Rep. Reedy moved that **Senate Bill No. 360** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	84
Noes .....	8

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Garrett, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Moon, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Todd, Travis, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--84

Representatives voting no were: Griffey, Holt, Mitchell, Ogles, Sexton C, Stewart, Van Huss, Vaughan--8

A motion to reconsider was tabled.

**\*House Bill No. 939** -- Education - As introduced, extends, from 10 days to 30 days, the period of time after a local board of education orders a student's school assignment within which a parent, guardian, or legal representative may apply to the board for a hearing to challenge the reasonableness of the student's assignment and to request the student's transfer to another school. - Amends TCA Title 49, Chapter 6. by \*Lamberth. (SB795 by \*Johnson, \*Gresham, \*Kelsey)

Rep. Dunn moved that House Bill No. 939 be passed on third and final consideration.

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Rep. White moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lynn requested that Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, be placed at the heel of the amendments.

Rep. Staples moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Hakeem moved that House Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Powell moved adoption of House Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 939 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a metropolitan form of government with a population of more than five hundred thousand (500,000) according to the 2010 federal census or any subsequent federal census.

Rep. Lamberth moved that House Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes .....	62
Noes.....	29
Present and not voting.....	2

Representatives voting aye were: Baum, Boyd, Bricken, Calfee, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, DeBerry, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Hall, Haston, Helton, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Terry, Tillis, Todd, Van Huss, Vaughan, White, Williams, Wright, Zachary, Mr. Speaker Casada--62

Representatives voting no were: Byrd, Camper, Chism, Clemmons, Coley, Cooper, Dixie, Freeman, Hakeem, Hardaway, Hazlewood, Hicks, Hodges, Johnson G, Keisling, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Staples, Stewart, Thompson, Towns, Weaver, Windle--29

Representatives present and not voting were: Travis, Whitson--2

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "not voting" on the motion to table House Amendment No. 5 to **House Bill No. 939** and have this statement entered in the Journal: Rep. Faison.

**REGULAR CALENDAR, CONTINUED**

Rep. Thompson moved adoption of House Amendment No. 6 as follows:

**Amendment No. 6**

AMEND House Bill No. 939 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of over nine hundred thousand (900,000) according to the 2010 federal census or any subsequent federal census.

Rep. Lamberth moved that House Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes .....	62
Noes.....	29
Present and not voting.....	3

Representatives voting aye were: Baum, Boyd, Bricken, Calfee, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Hall, Haston, Helton, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Terry, Tillis, Todd, Van Huss, Vaughan, White, Williams, Wright, Zachary, Mr. Speaker Casada--62

Representatives voting no were: Byrd, Camper, Chism, Clemmons, Coley, Cooper, Dixie, Freeman, Hakeem, Hardaway, Hicks, Hodges, Jernigan, Johnson G, Keisling, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Staples, Stewart, Thompson, Towns, Weaver, Windle--29

Representatives present and not voting were: DeBerry, Travis, Whitson--3

Rep. Parkinson requested that House Amendment No. 7 be placed at the heel of the amendments.

Rep. Stewart moved that House Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Mitchell moved adoption of House Amendment No. 9 as follows:

**Amendment No. 9**

AMEND House Bill No. 939 by deleting the word "and" at the end of the last subdivision of subdivision (a)(4) from § 49-6-2603 in the amendatory language of Section 1, by deleting the period at the end of the second sentence in § 49-6-2603(a)(5) in the amendatory language of Section 1 and substituting the language "; and", and by adding the following language as a new subdivision (a)(6) in § 49-6-2603 in the amendatory language of Section 1:

(6) Annually provide to the department a copy of the most recent federal income tax return filed with the internal revenue service by the parent of the participating student or the participating student, as applicable. If a participating student ceases to be a member of a household with an annual income as described in § 49-6-2602(3)(D), or if the parent of the participating student or the participating student, as applicable, fails to provide the department with the parent's or student's most recent federal income tax return as required by this subdivision (a)(6), then the participating student's ESA will be closed and any remaining funds must be returned to the state treasurer to be placed in the basic education program account of the education trust fund of 1992 under §§ 49-3-357 and 49-3-358.

**AND FURTHER AMEND** by deleting the word "and" after the semi-colon from § 49-6-2604(a)(4) in the amendatory language of Section 1, by deleting the period at the end of the sentence in § 49-6-2604(a)(5) in the amendatory language of Section 1 and substituting the language "; and", and by adding the following language as a new subdivision (a)(6) in § 49-6-2604 in the amendatory language of Section 1:

(6) An income verification process for a parent of a participating student, or a participating student who has reached the age of eighteen (18), to annually submit a copy of the most recent federal income tax return filed with the internal revenue service by the parent of the participating student or the participating student, as applicable, for the purpose of demonstrating that the participating student is a member of a household with an annual income as described in § 49-6-2602(3)(D).

Rep. Lamberth moved that House Amendment No. 9 be tabled, which motion prevailed by the following vote:

Ayes .....	64
Noes.....	27
Present and not voting.....	3

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Halford, Hall, Haston, Helton, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Terry, Tillis, Todd, Van Huss, Vaughan, White, Williams, Wright, Zachary, Mr. Speaker Casada--64

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Representatives voting no were: Camper, Chism, Clemmons, Coley, Cooper, Dixie, Freeman, Hakeem, Hardaway, Hazlewood, Hicks, Hodges, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Staples, Stewart, Thompson, Towns, Weaver, Windle-  
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Representatives present and not voting were: DeBerry, Travis, Whitson--3

Rep. Camper moved that House Amendment No. 10 be withdrawn, which motion prevailed.

Rep. Leatherwood moved adoption of House Amendment No. 11 as follows:

**Amendment No. 11**

AMEND House Bill No. 939 by deleting § 49-6-2604(c) from the amendatory language of Section 1 and substituting instead the following:

(c) The number of participating students enrolled in the program must not exceed:

(1) For the first school year of operation, five thousand (5,000) students;

(2) For the second school year of operation, seven thousand five hundred (7,500) students;

(3) For the third school year of operation, ten thousand (10,000) students;

(4) For the fourth school year of operation, twelve thousand five hundred (12,500) students; and

(5) For the fifth school year of operation, and for each school year thereafter, fifteen thousand (15,000) students.

**AND FURTHER AMEND** by deleting § 49-6-2606(a) from the amendatory language of Section 1 and substituting instead the following:

(1) As a condition of participating in the program, participating students in grades three through eleven (3-11) must:

(A) Be annually administered the Tennessee comprehensive assessment program (TCAP) tests for math and English language arts, or successor tests authorized by the state board of education for math and English language arts;

(B) Be administered the TCAP tests for science, or successor tests authorized by the state board of education for science, in even-numbered years; and

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(C) Be administered the TCAP tests for social studies, or successor tests authorized by the state board of education for social studies, in odd-numbered years.

(2) For participating students enrolled full-time in a participating school, the participating school shall annually administer the tests required in subdivision (a)(1) to participating students.

(3) For participating students seventeen (17) years of age or younger who are not enrolled full-time in a participating school, the participating student's parent must ensure that the participating student is annually administered the tests required in subdivision (a)(1). A participating student who has reached the age of eighteen (18) and who is not enrolled full-time in a participating school must ensure that the participating student is annually administered the tests required in subdivision (a)(1).

On motion, House Amendment No. 11 was adopted by the following vote:

Ayes .....	66
Noes.....	24
Present and not voting.....	3

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carter, Cepicky, Cochran, Crawford, Curcio, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Halford, Hall, Haston, Hazlewood, Helton, Hicks, Hill M, Hill T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Parkinson, Ramsey, Reedy, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Terry, Tillis, Todd, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Casada--66

Representatives voting no were: Camper, Chism, Clemmons, Coley, Cooper, Daniel, Freeman, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Potts, Powell, Powers, Shaw, Staples, Stewart, Thompson, Towns, Windle--24

Representatives present and not voting were: Ragan, Rudd, Travis--3

Rep. Terry requested that House Amendment No. 12 be placed at the heel of the amendments.

Rep. Clemmons moved adoption of House Amendment No. 13 as follows:

**Amendment No. 13**

AMEND House Bill No. 939 by deleting § 49-6-2602(3)(C) in the amendatory language of Section 1 and substituting instead the following:

(C) Is zoned to attend a school in an LEA that:

(i) In the immediately preceding priority cycle, had three (3) or more schools identified as priority schools, as defined by the state accountability system pursuant to § 49-1-602; and

(ii) Had three (3) or more schools among the bottom ten percent (10%) of schools, as identified by the department in accordance with § 49-6-602(b)(3), for the most recent year in which the department identified such schools; and

**AND FURTHER AMEND** by deleting § 49-6-2603(a)(4)(F)-(L) in the amendatory language of Section 1 and substituting instead the following:

(F) Computer hardware, technological devices, or technology fees approved by the department, if required by a participating school;

(G) School uniforms, if required by a participating school;

(H) Tuition and fees for summer academic programs and specialized afterschool academic programs, as approved by the department, which does not include afterschool childcare;

(I) Tuition and fees at an eligible postsecondary institution;

(J) Textbooks required by an eligible postsecondary institution; or

(K) Educational therapy services provided by therapists that meet the requirements established by the department and the state board; and

**AND FURTHER AMEND** by deleting § 49-6-2603(e) in the amendatory language of Section 1 and substituting instead the following:

(e) A participating student may return to the student's LEA at any time after enrolling in the program. Upon a participating student's return to the student's LEA, the student's ESA will be closed and any remaining funds must be returned to the state treasurer to be paid, within ninety (90) days, to the LEA to which the student returned.

Rep. Lamberth moved that House Amendment No. 13 be tabled, which motion prevailed by the following vote:

Ayes .....	60
Noes.....	30
Present and not voting.....	3

Representatives voting aye were: Baum, Boyd, Bricken, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Hall, Helton, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Terry, Tillis, Todd, Van Huss, Vaughan, White, Williams, Wright, Zachary, Mr. Speaker Casada--60

**TUESDAY, APRIL 23, 2019 - THIRTY-SECOND LEGISLATIVE DAY**

Representatives voting no were: Byrd, Camper, Chism, Clemmons, Coley, Cooper, Dixie, Freeman, Hakeem, Hardaway, Hazlewood, Hicks, Hodges, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Staples, Stewart, Thompson, Towns, Weaver, Whitson, Windle--30

Representatives present and not voting were: DeBerry, Haston, Travis--3

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 939 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following language as a new part:

**49-6-2601.** This part shall be known and may be cited as the "Tennessee Education Savings Accounts Act."

**49-6-2602.**

As used in this part, unless the context otherwise requires:

(1) "Department" means the department of education;

(2) "Eligible postsecondary institution" means:

(A) An institution operated by:

(i) The board of trustees of the University of Tennessee;

(ii) The board of regents of the state university and community college system; or

(iii) A local governing board of trustees of a state university in this state; or

(B) A private postsecondary institution accredited by an accrediting organization approved by the state board of education;

(3) "Eligible student" means a resident of this state who:

(A)

(i) Was previously enrolled in and attended a Tennessee public school for the one (1) full school year

immediately preceding the school year for which the student receives an education savings account;

(ii) Is eligible for the first time to enroll in a Tennessee school; or

(iii) Received an education savings account in the previous school year;

(B) Is a student in any of the grades kindergarten through twelve (K-12);

(C) Is zoned to attend a school in an LEA that had three (3) or more schools identified as priority schools in 2015 in accordance with § 49-1-602(b) and that had three (3) or more schools among the bottom ten percent (10%) of schools as identified by the department in 2017 in accordance with § 49-1-602(b)(3); and

(D) Is a member of a household with an annual income for the previous year that does not exceed twice the federal income eligibility guidelines for free lunch;

(4) "ESA" means an education savings account created by this part;

(5) "High school" means a school in which any combination of grades nine through twelve (9-12) are taught; provided, that the school must include grade twelve (12);

(6) "Legacy student" means a participating student who:

(A)

(i) Graduates from high school; or

(ii) Exits the program by reaching twenty-two (22) years of age;

(B) Has funds remaining in the student's education savings account; and

(C) Has an open education savings account;

(7) "Local education agency" or "LEA" has the same meaning as defined in § 49-1-103;

(8) "Parent" means the parent, guardian, person who has custody of the child, or individual who has caregiving authority under § 49-6-3001;

(9) "Participating school" means a private school, as defined by § 49-6-3001(c)(3), that meets the requirements established by the department of education and the state board of education for a Category I, II, or III private school, and that seeks to enroll eligible students;

(10) "Participating student" means:

(A) An eligible student who is seventeen (17) years of age or younger and whose parent is participating in the education savings account program; or

(B) An eligible student who has reached the age of eighteen (18) and who is participating in the education savings account program;

(11) "Program" means the education savings account program created in this part;

(12) "Provider" means an individual or business that provides educational services in accordance with this part and that meets the requirements established by the department of education and the state board of education; and

(13) "State board" means the state board of education.

**49-6-2603.**

(a) To participate in the program, a parent of an eligible student who is seventeen (17) years of age or younger, or an eligible student who has reached the age of eighteen (18) must:

(1) Ensure the provision of an education for the participating student that satisfies the compulsory school attendance requirement provided in § 49-6-3001(c)(1) through enrollment in a private school, as defined in § 49-6-3001(c)(3)(A)(iii), that meets the requirements established by the department of education and the state board of education for a Category I, II, or III private school;

(2) Not enroll the participating student in a public school while participating in the program;

(3) Release the LEA in which the participating student resides from all obligations to educate the participating student while participating in the program. Participation in the program has the same effect as a parental refusal to consent to the receipt of services under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1414);

(4) Only use the funds deposited in a participating student's ESA for one (1) or more of the following expenses of the student:

(A) Tuition or fees at a participating school;

(B) Textbooks required by a participating school;

(C) Tutoring services provided by a tutor or tutoring facility that meets the requirements established by the department and the state board;

(D) Fees for transportation to and from a participating school or educational provider paid to a fee-for-service transportation provider;

(E) Fees for early postsecondary opportunity courses and examinations required for college admission;

(F) Computer hardware, technological devices, or technology fees approved by the department, if the computer hardware, technological device, or technology fee is used for the student's educational needs and is purchased through a participating school, private school, or provider;

(G) School uniforms, if required by a participating school;

(H) Tuition and fees for summer education programs and specialized afterschool education programs, as approved by the department, which do not include afterschool childcare;

(I) Tuition and fees at an eligible postsecondary institution;

(J) Textbooks required by an eligible postsecondary institution;

(K) Educational therapy services provided by therapists that meet the requirements established by the department and the state board; or

(L) Fees for the management of the ESA by a private or non-profit financial management organization, as approved by the department. The fees must not exceed two percent (2%) of the funds deposited in a participating student's ESA in a fiscal year; and

(5) Provide to the department at least one (1) of the documents listed in § 50-1-703(a)(1)(A)(i)-(xi) for the parent of the eligible student or for the eligible student, if the student has reached the age of eighteen (18). The documentation must be provided to the department at the time the parent of the eligible student or the eligible student applies to participate in the program.

(b) This part does not prohibit a parent or third party from paying the costs of educational programs and services for a participating student that are not covered by the funds in an ESA.

(c) When a participating student reaches the age of eighteen (18), the rights accorded to, and any consent required of, the participating student's parent under this part transfer from the participating student's parent to the participating student.

(d) For purposes of continuity of educational attainment, and subject to the eligibility requirements of § 49-6-2602(3)(A) and (B), a participating student may participate in the program until the participating student enrolls in a public school, ceases to be a resident of the LEA in which the student resided when the student began participating in the program, graduates or withdraws from high school, or reaches twenty-two (22) years of age between the commencement of the school year and the conclusion of the school year, whichever occurs first, unless the student is suspended or terminated from participating in the program under § 49-6-2608.

(e) A participating student may return to the student's LEA at any time after enrolling in the program. Upon a participating student's return to the student's LEA, the student's ESA will be closed and any remaining funds must be returned to the state treasurer to be placed in the basic education program account of the education trust fund of 1992 under §§ 49-3-357 and 49-3-358.

(f) If a participating student ceases to be a resident of the LEA in which the student resided when the student began participating in the program, then the student's ESA will be closed and any remaining funds must be returned to the state treasurer to be placed in the basic education program account of the education trust fund of 1992 under §§ 49-3-357 and 49-3-358.

(g) Any funds remaining in a participating student's ESA upon graduation from high school or exiting the program by reaching twenty-two (22) years of age may be used by the student when the student becomes a legacy student to attend or take courses from an eligible postsecondary institution, with qualifying expenses subject to the conditions of subdivision (a)(4).

(h) A participating student's ESA will be closed, and any remaining funds must be returned to the state treasurer to be placed in the basic education program account of the education trust fund of 1992 under §§ 49-3-357 and 49-3-358, after the first of the following events:

(1) Upon a legacy student's graduation from an eligible postsecondary institution;

(2) After four (4) consecutive years elapse immediately after a legacy student enrolls in an eligible postsecondary institution;

(3) After a participating student or legacy student exits the program and is not enrolled in an eligible postsecondary institution; or

(4) After a participating or legacy student reaches twenty-two (22) years of age and is not enrolled in an eligible postsecondary institution.

(i) Funds received pursuant to this part:

(1) Constitute a scholarship provided for use on qualified educational expenses listed in subdivision (a)(4); and

(2) Do not constitute income of a parent of a participating student under title 67, chapter 2 or any other state law.

(j) A student who is eligible for both the program created under this part and an individualized education account under the Individualized Education Act, compiled in chapter 10, part 14 of this title, may apply for both programs but must only participate and receive assistance from one (1) program.

(k) A participating student is ineligible to participate in a sport sanctioned by an association that regulates interscholastic athletics for the first year in which the student attends a participating school if:

(1) The participating student attended a Tennessee public school and participated in that sport;

(2) The student participated in that sport in the year immediately preceding the year in which the participating student enrolled in the participating school; and

(3) The participating student has not relocated outside the LEA in which the Tennessee public school that the participating student formerly attended is located.

(l) The state board shall adopt rules regarding the spending requirements for ESA funds and the use of any unspent funds, as well as rules providing for determining that a student is no longer participating in the program or that a student's ESA should be closed. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**49-6-2604.**

(a) The department shall establish:

(1) Procedures to determine student eligibility in accordance with the requirements established by this part;

(2) An application form that a parent of a student or a student who has reached the age of eighteen (18), may submit to the department to determine the student's eligibility for an ESA and make the application form readily available on the department's website;

(3) An approval process for a private school to become a participating school;

(4) An application form that a private school may submit to the department to become a participating school and make the application form readily available on the department's website; and

(5) An annual application period for a parent of a student, or a student who has reached the age of eighteen (18), to apply for the program.

(b) The program shall begin enrolling participating students no later than the 2021-2022 school year.

(c) The number of participating students enrolled in the program must not exceed:

(1) For the first school year of operation, seven thousand five hundred (7,500) students;

(2) For the second school year of operation, fifteen thousand (15,000) students;

(3) For the third school year of operation, twenty two thousand five hundred (22,500) students; and

(4) For the fourth school year of operation, and for each school year thereafter, the maximum number of students permitted to participate in the program is thirty thousand (30,000) students.

(d)

(1) Notwithstanding subsection (c), if, in the application period for a school year, the number of program applications received by the department does not exceed the maximum number of students that may participate in the program for that school year under subsection (c), then the maximum number of students that may participate in the program for that school year must remain in place for subsequent school years until the number of applications during a subsequent program application period exceeds that maximum number.

(2) Once the number of applications during a subsequent program application period exceeds the maximum number that has remained in place under subdivision (d)(1), then, during the next school year for which an increase is practicable, the maximum number of students that may participate in the program for that school year shall increase to the number of students provided for under subsection (c) that is closest to, and in excess of, the number of applications received.

(3) This subsection (d) is subject to the caps on the maximum number of students that may participate in the program for a particular school year under subsection (c).

(e) If, in the application period for a school year, the number of program applications received by the department exceeds the maximum number of students that may participate in the program for that school year under subsection (c), then the department shall select students for participation in the program through an enrollment lottery process. Students who participated in the program in the previous school year receive enrollment preference and, as a result, are excluded from entering into an enrollment lottery. If an enrollment lottery is conducted, then enrollment preference must be granted in the following order:

(1) Students who have a sibling participating in the program;

(2) Students zoned to attend a priority school as defined by the state's accountability system pursuant to § 49-1-602;

(3) Students eligible for direct certification under 42 U.S.C. § 1758(b)(4); and

(4) All other eligible students.

**49-6-2605.**

(a) The maximum annual amount to which a participating student is entitled under the program must be equal to the amount representing the per pupil state and local funds generated and required through the basic education program (BEP) for the LEA in which the participating student resides.

(b)

(1) For the purpose of funding calculations, each participating student must be counted in the enrollment figures for the LEA in which the participating student resides. The ESA funds for participating students must be subtracted from the state BEP funds otherwise payable to the LEA. The department shall remit funds to a participating student's ESA on at least a quarterly basis. Any funds awarded under this part are the entitlement of the participating student or legacy student, under the supervision of the participating student's or legacy student's parent if the participating student or legacy student is seventeen (17) years of age or younger.

(2)

(A) There is established a school improvement fund to be administered by the department that, for the first three (3) fiscal years in which the program accepts participating students and subject to appropriation, shall disburse an annual grant to each

LEA to be used for school improvement in the amounts described in subdivision (b)(2)(B) for participating students under the program who:

(i) Were enrolled in and attended a school in the LEA for the one (1) full school year immediately preceding the school year in which the student began participating in the program; and

(ii) Generate BEP funds for the LEA in the applicable fiscal year that will be subtracted from the state BEP funds payable to the LEA under subdivision (b)(1).

(B) The annual grant amount disbursed to an LEA pursuant to subdivision (b)(2)(A) is as follows:

(i) For the first fiscal year in which the program accepts participating students, subject to appropriation, seventy five percent (75%) of the ESA amount awarded to participating students under the program who meet the requirements of subdivisions (b)(2)(A)(i)-(ii);

(ii) For the second fiscal year in which the program accepts participating students, subject to appropriation, fifty percent (50%) of the ESA amount awarded to participating students under the program who meet the requirements of subdivisions (b)(2)(A)(i)-(ii); and

(iii) For the third fiscal year in which the program accepts participating students, subject to appropriation, twenty five percent (25%) of the ESA amount awarded to participating students under the program who meet the requirements of subdivisions (b)(2)(A)(i)-(ii).

(C) The department shall also disburse an annual school improvement grant to LEAs that have priority schools as defined by the state's accountability system pursuant to § 49-1-602, but that do not have participating students in the program as follows:

(i) For the first fiscal year in which the program accepts participating students, subject to appropriation, twenty five percent (25%) of the ESA amount awarded to participating students under the program who meet the requirements of subdivisions (b)(2)(A)(i)-(ii);

(ii) For the second fiscal year in which the program accepts participating students, subject to appropriation, fifty percent (50%) of the ESA amount awarded to participating students under the program who meet the requirements of subdivisions (b)(2)(A)(i)-(ii); and

(iii) For the third fiscal year in which the program accepts participating students, subject to appropriation, seventy five percent (75%) of the ESA amount awarded to participating students under the program who meet the requirements of subdivisions (b)(2)(A)(i)-(ii).

(3) Any balance in the fund established in subdivision (b)(2) remaining unexpended on the program at the end of any fiscal year does not revert to the general fund, but is carried forward for expenditure in subsequent years.

(c) The department shall provide parents of participating students or students, as applicable, with a written explanation of the allowable uses of ESA funds, the responsibilities of parents regarding ESA funds and the parents' participating students, and the department's duties regarding ESA funds and eligible students, participating students, and legacy students.

(d) The department shall post on the department's website a list of participating schools for each school year, the grades taught in each participating school, and any other information that the department determines may assist parents in selecting a participating school.

(e) The department shall strive to ensure that lower-income families and families with students listed under § 49-6-2604(e) are notified of the program and of the eligibility requirements to participate in the program.

(f) The department shall strive to ensure that parents of students with disabilities receive notice that participation in the program has the same effect as a parental refusal to consent to the receipt of services under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1414).

(g) The department shall adopt policies and procedures necessary for the administration of the program, including, but not limited to, policies for establishing, or contracting for the establishment of, an anonymous online fraud reporting service and telephone hotline, for reporting fraudulent activity related to ESAs, and for conducting or contracting for random, quarterly, or annual review of accounts.

(h) The department may deduct six percent (6%) from the annual ESA award amount to cover the costs of overseeing the funds and administering the program.

(i) The department may contract with a nonprofit organization to administer some or all portions of the program.

**49-6-2606.**

(a)

(1) As a condition of participating in the program, participating students in grades three through eleven (3-11) must be annually administered the Tennessee comprehensive assessment program (TCAP) tests for math and English language arts, or successor tests authorized by the state board of education for math and English language arts.

(2) For participating students enrolled full-time in a participating school, the participating school shall annually administer the tests required in subdivision (a)(1) to participating students.

(3) For participating students seventeen (17) years of age or younger who are not enrolled full-time in a participating school, the participating student's parent must ensure that the participating student is annually administered the tests required in subdivision (a)(1). A participating student who has reached the age of eighteen (18) and who is not enrolled full-time in a participating school must ensure that the participating student is annually administered the tests required in subdivision (a)(1).

(b) The department shall ensure that:

(1) Parents report the participating student's graduation from high school to the department; and

(2) A parental satisfaction survey is created and annually disseminated to parents of participating students that requests the following information:

(A) Parental satisfaction with the program, including parental recommendations, comments, and concerns;

(B) Whether the parent terminated the participating student's participation in the program and the reason for termination;

(C) Methods to improve the effectiveness of the program, including parental recommendations for doing so; and

(D) The number of years the parent's participating student has participated in the program.

(c) In compliance with all state and federal student privacy laws, beginning at the conclusion of the first fiscal year in which the program enrolls participating students, the department shall produce an annual report that is accessible on the department's website with information about the program for the previous school year. The report must include:

(1) The number of students participating in the program;

(2) Aggregate participating student performance on annual assessments required by this section;

(3) Aggregate graduation outcomes for participating students in grade twelve (12); and

(4) Results from the parental satisfaction survey required in subdivision (b)(2).

(d) In compliance with all state and federal student privacy laws, the program is subject to audit by the comptroller of the treasury or the comptroller's designee no later than the first fiscal year in which the program enrolls participating students and annually thereafter. The audit may include a sample of ESAs to evaluate the eligibility of the participating students, the funding deposited in the ESAs, and the allow ability of the expenditures of ESA funds. The audit may also include an analysis of the department's ESA monitoring process and the sufficiency of the department's fraud protection measures. The department shall cooperate fully with the comptroller of the treasury or the comptroller's designee in the performance of the audit. The audit must be made available to the members of the general assembly.

**49-6-2607.**

(a) ESA funds shall only be used for the expenses listed in § 49-6-2603(a)(4).

(b) The department shall establish and maintain separate ESAs for each participating student and shall verify that the uses of ESA funds are permitted under § 49-6-2603(a)(4) and institute fraud protection measures. Use of ESA funds on tuition and fees, computer hardware or other technological devices, tutoring services, educational therapy services, summer education programs and specialized afterschool education programs, and any other expenses identified by the department must be pre-approved by the department. Pre-approval shall be requested by completing and submitting the department's pre-approval form. The department shall develop processes to effectuate this subsection (b).

(c) To document compliance with subsection (a), participating schools, providers, and eligible postsecondary institutions shall provide parents of participating students or participating students, as applicable, with a receipt for all expenses paid to the participating school, provider, or eligible postsecondary institution using ESA funds.

(d) A participating school, provider, or eligible postsecondary institution shall not, in any manner, refund, rebate, or share funds from an ESA with a parent of a participating student or a participating student. The department shall establish a process for funds to be returned to an ESA by a participating school, provider, or eligible postsecondary institution.

(e) To ensure the safety and equitable treatment of participating students, participating schools shall:

(1) Comply with all state and federal health and safety laws applicable to nonpublic schools;

(2) Certify that the participating school will not discriminate against participating students or applicants on the basis of race, color, or national origin;

(3) Comply with § 49-5-202;

(4) Conduct criminal background checks on employees; and

(5) Exclude from employment:

(A) Any person who is not permitted by state law to work in a nonpublic school; and

(B) Any person who might reasonably pose a threat to the safety of students.

(f) An LEA shall provide a participating school that has admitted a participating student with a complete copy of the participating student's school records in the LEA's possession to the extent permitted by state and federal student privacy laws.

**49-6-2608.**

(a)

(1) The department may suspend or terminate a participating school's or provider's participation in the program if the department determines that the participating school or provider has failed to comply with the requirements of this part.

(2) The state board shall promulgate rules allowing the department to suspend or terminate a participating school's participation in the program due to low academic performance, as determined by the department.

(3) If the department suspends or terminates a participating school's or provider's participation under this subsection (a), then the department shall notify affected participating students and the parents of participating students of the decision. If a participating school's or provider's participation in the program is suspended or terminated, or if a participating school or provider withdraws from the program, then affected participating students remain eligible to participate in the program.

(b) The department may suspend or terminate a participating student from the program, or close a legacy student's ESA, if the department determines that the participating student's or legacy student's parent or the participating

student or legacy student has failed to comply with the requirements of this part. If the department terminates a participating student's or legacy student's participation in the program, then the department shall close the participating student's or legacy student's ESA.

(c) A parent of a participating student, a participating student, a legacy student, or any other person who uses the funds deposited in a participating student's ESA for expenses that do not constitute one (1) or more of the qualified expenses listed in § 49-6-2603(a)(4), or a parent of a participating student, a participating student, a legacy student, or any other person who misrepresents the nature, receipts, or other evidence of any expenses paid by the parent of a participating student, by a participating student, or by a legacy student is liable for restitution to the department in an amount equal to the amount of such expenses.

(d) If a person knowingly uses ESA funds for expenses that do not constitute one (1) or more of the qualified expenses listed in § 49-6-2603(a)(4) with the intent to defraud the program or knowingly misrepresents the nature, receipts, or other evidence of any expenses paid with the intent to defraud the program, then the department may refer the matter to the appropriate enforcement authority for criminal prosecution.

(e) Any funds remaining in an ESA that is closed in accordance with subsection (b) must be returned to the state treasurer to be placed in the basic education program (BEP) account of the education trust fund of 1992 under §§ 49-3-357 and 49-3-358.

(f) The state board shall promulgate rules to effectuate this section including rules to establish a process for a participating school's, provider's, participating student's, or legacy student's suspension or termination from the program. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**49-6-2609.**

(a) A participating school or provider is autonomous and not an agent of this state.

(b) The creation of the ESA program does not expand the regulatory authority of this state, the officers of this state, or an LEA to impose any additional regulation of participating schools or providers beyond the rules and regulations necessary to enforce the requirements of the program.

(c) This state gives participating schools and providers maximum freedom to provide for the educational needs of participating students without governmental control. Neither a participating school nor a provider is required to alter its creed, practices, admissions policies, or curriculum in order to accept participating students, other than as is necessary to comply with the requirements of the program.

**49-6-2610.**

The state board is authorized to promulgate rules to effectuate the purposes of this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**49-6-2611.**

(a)

(1) It is the intent of this part to provide funding to students who reside in LEAs that have consistently had the lowest performing schools on a historical basis and for the ESA funds to be used to provide educational opportunities to such students that are equal to the educational opportunities of students who reside in LEAs with higher performing schools.

(2) On January 1 following the third fiscal year in which the program enrolls participating students, and every January 1 thereafter, the department shall provide a report to the General Assembly. The report must include a list of the LEAs with at least one (1) school among the bottom five percent (5%) of schools in overall achievement, as determined by the performance standards and other criteria set by the state board, for the most recent year in which the department collected such information. The report must also include a recommendation for legislative action if, based upon the list provided pursuant to this subdivision (a)(2), the group of LEAs whose students are eligible for participation under § 49-6-2602(3)(C) is no longer consistent with the intent described in subdivision (a)(1).

(b) If any provision of this part or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the part that can be given effect without the invalid provision or application, and to that end the provisions of this part are severable.

(c) A local board of education does not have authority to assert a cause of action, or intervene in any cause of action, challenging the legality of this part.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted by the following vote:

Ayes .....	65
Noes.....	26
Present and not voting.....	2

Representatives voting aye were: Baum, Boyd, Bricken, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, DeBerry, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett,

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Hall, Haston, Hazlewood, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Terry, Tillis, Todd, Van Huss, Vaughan, Weaver, White, Williams, Wright, Zachary, Mr. Speaker Casada--65

Representatives voting no were: Byrd, Camper, Chism, Clemmons, Coley, Cooper, Dixie, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Staples, Stewart, Thompson, Towns, Windle--26

Representatives present and not voting were: Travis, Whitson--2

Rep. Parkinson moved adoption of House Amendment No. 7 as follows:

**Amendment No. 7**

AMEND House Bill No. 939 by adding the following language as a new, appropriately designated subdivision in § 49-6-2603(a) in the amendatory language of Section 1:

( ) Provide proof that the parent of the eligible student or the eligible student, as applicable, has completed financial literacy training. The department is authorized to provide financial literacy training to a parent of an eligible student or to an eligible student, as applicable. The department shall determine the proof of financial literacy training that the parent of the eligible student or the eligible student, as applicable, must present in order to participate in the program.

Rep. Lamberth moved that House Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes .....	61
Noes.....	29
Present and not voting.....	5

Representatives voting aye were: Baum, Boyd, Bricken, Calfee, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Farmer, Gant, Garrett, Griffey, Halford, Hall, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton C, Sexton J, Sherrell, Smith, Sparks, Terry, Tillis, Todd, Van Huss, Vaughan, Weaver, White, Williams, Wright, Zachary, Mr. Speaker Casada--61

Representatives voting no were: Byrd, Camper, Chism, Clemmons, Coley, Cooper, Dixie, Faison, Freeman, Hakeem, Hardaway, Hazlewood, Hodges, Howell, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Staples, Stewart, Thompson, Towns, Windle--29

Representatives present and not voting were: DeBerry, Haston, Ogles, Travis, Whitson--

**RECESS MOTION**

On announcement of Speaker Casada, the House stood in a 30 second recess.

**PRESENT IN CHAMBER**

Rep. Beck was recorded as being present in the Chamber.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Casada.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 939** -- Education - As introduced, extends, from 10 days to 30 days, the period of time after a local board of education orders a student's school assignment within which a parent, guardian, or legal representative may apply to the board for a hearing to challenge the reasonableness of the student's assignment and to request the student's transfer to another school. - Amends TCA Title 49, Chapter 6. by \*Lamberth. (SB795 by \*Johnson, \*Gresham, \*Kelsey)

Further consideration of House Bill No. 939, previously considered today, at which time the House adopted Amendments Nos. 2 and 11, tabled Amendments Nos. 5, 6, 9, 13 and 7, and withdrew Amendments Nos. 1, 3, 4 and 8 and 10.

Rep. Lamberth moved the house reconsider its action in adopting House Amendment No. 11, which motion prevailed.

Rep. Leatherwood moved adoption of House Amendment No. 11 as follows:

**Amendment No. 11**

AMEND House Bill No. 939 by deleting § 49-6-2604(c) from the amendatory language of Section 1 and substituting instead the following:

(c) The number of participating students enrolled in the program must not exceed:

(1) For the first school year of operation, five thousand (5,000) students;

(2) For the second school year of operation, seven thousand five hundred (7,500) students;

(3) For the third school year of operation, ten thousand (10,000) students;

(4) For the fourth school year of operation, twelve thousand five hundred (12,500) students; and

(5) For the fifth school year of operation, and for each school year thereafter, fifteen thousand (15,000) students.

**AND FURTHER AMEND** by deleting § 49-6-2606(a) from the amendatory language of Section 1 and substituting instead the following:

(1) As a condition of participating in the program, participating students in grades three through eleven (3-11) must:

(A) Be annually administered the Tennessee comprehensive assessment program (TCAP) tests for math and English language arts, or successor tests authorized by the state board of education for math and English language arts;

(B) Be administered the TCAP tests for science, or successor tests authorized by the state board of education for science, in even-numbered years; and

(C) Be administered the TCAP tests for social studies, or successor tests authorized by the state board of education for social studies, in odd-numbered years.

(2) For participating students enrolled full-time in a participating school, the participating school shall annually administer the tests required in subdivision (a)(1) to participating students.

(3) For participating students seventeen (17) years of age or younger who are not enrolled full-time in a participating school, the participating student's parent must ensure that the participating student is annually administered the tests required in subdivision (a)(1). A participating student who has reached the age of eighteen (18) and who is not enrolled full-time in a participating school must ensure that the participating student is annually administered the tests required in subdivision (a)(1).

On motion, House Amendment No. 11 was adopted.

Rep. Terry moved adoption of House Amendment No. 12 as follows:

**Amendment No. 12**

AMEND House Bill No. 939 by adding the following language at the end of the amendatory language of Section 1:

**49-6-2612.**

An education savings account is a state or local public benefit, as defined in § 4-58-102.

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On motion, House Amendment No. 12 was adopted.

Rep. Marsh moved the previous question, which motion failed by the following vote:

Ayes ..... 61  
Noes ..... 36

Representatives voting aye were: Baum, Boyd, Bricken, Calfee, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Farmer, Gant, Garrett, Griffey, Halford, Hall, Haston, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Johnson C, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton C, Sherrell, Smith, Terry, Tillis, Todd, Travis, Van Huss, Vaughan, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Casada--61

Representatives voting no were: Beck, Byrd, Camper, Chism, Clemmons, Coley, Cooper, Dixie, Faison, Freeman, Hakeem, Hardaway, Hawk, Hazlewood, Hodges, Hurt, Jernigan, Johnson G, Keisling, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Sanderson, Sexton J, Shaw, Sparks, Staples, Stewart, Thompson, Towns, Weaver, Windle--36

After further discussion, Rep. Lamberth moved the previous question, which motion prevailed by the following vote:

Ayes ..... 70  
Noes ..... 28

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Doggett, Dunn, Eldridge, Farmer, Gant, Garrett, Griffey, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Terry, Tillis, Todd, Travis, Van Huss, Vaughan, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Casada--70

Representatives voting no were: Beck, Camper, Chism, Clemmons, Cooper, Dixie, Faison, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Sparks, Staples, Stewart, Thompson, Towns, Weaver, Windle--28

Rep. Dunn moved that **House Bill No. 939**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 50  
Noes ..... 48

Representatives voting aye were: Baum, Boyd, Carter, Cepicky, Crawford, Curcio, Daniel, DeBerry, Doggett, Dunn, Eldridge, Faison, Farmer, Garrett, Hall, Helton, Hill M, Hill T, Holt, Howell, Hulsey, Hurt, Johnson C, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moon, Ogles, Powers, Ragan, Reedy, Rudd, Rudder, Sanderson, Sexton J, Sherrell, Smith, Sparks, Terry, Tillis, Todd, Van Huss, White, Williams, Zachary, Mr. Speaker Casada--50

## **TUESDAY, APRIL 23, 2019 - THIRTY-SECOND LEGISLATIVE DAY**

Representatives voting no were: Beck, Bricken, Byrd, Calfee, Camper, Carr, Chism, Clemmons, Cochran, Coley, Cooper, Dixie, Freeman, Gant, Griffey, Hakeem, Halford, Hardaway, Haston, Hawk, Hazlewood, Hicks, Hodges, Holsclaw, Jernigan, Johnson G, Keisling, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Ramsey, Russell, Sexton C, Shaw, Staples, Stewart, Thompson, Towns, Travis, Vaughan, Weaver, Whitson, Windle, Wright--48

A motion to reconsider was tabled.

### **REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **House Bill No. 939** and have this statement entered in the Journal: Rep. Wright.

### **MESSAGE CALENDAR**

#### **HOUSE ACTION ON SENATE MESSAGES**

**\*House Bill No. 1233** -- Fiscal Review Committee - As introduced, clarifies the appropriate house committee bills for which fiscal review is required to do an impact to commerce statement. - Amends TCA Title 3; Title 4; Title 8; Title 9 and Title 12. by \*Casada, \*Sanderson, \*Daniel. (SB1235 by \*Gardenhire)

Rep. Sanderson moved that the House non-concur in Senate Amendment No. 1 to **House Bill No. 1233**, which motion prevailed.

### **MESSAGE CALENDAR NO. 2**

#### **HOUSE ACTION ON SENATE AMENDMENTS**

**\*Senate Bill No. 557** -- Annexation - As introduced, specifies that all property owners, rather than just residents, of a territory proposed for annexation may vote in the referendum on the question of annexation. - Amends TCA Title 6, Chapter 51, Part 1. by \*Johnson. (HB1089 by \*Whitson)

Rep. Whitson moved that the House refuse to recede from its action in adopting House Amendment No. 1 to **Senate Bill No. 557**, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 657** -- Medical Occupations - As introduced, permits dental hygienists to exercise prescriptive authority that is limited to fluoride agents, topical oral anesthetic agents, and nonsystemic oral antimicrobials under certain conditions; requires the board of dentistry to set educational and training requirements by rule; requires board to also determine allowable percentages of certain active ingredients in medications that may be prescribed by dental hygienists. - Amends TCA Title 53 and Title 63. by \*Hill M. (SB609 by \*Massey)

**Senate Amendment No. 1**

AMEND House Bill No. 657 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-5-108, is amended by adding the following as a new subsection:

(1) Notwithstanding any law to the contrary, the practice of dental hygiene also includes prescriptive authority limited to fluoride agents, topical oral anesthetic agents, and nonsystemic oral antimicrobials that:

(A) Are not controlled substances under state and federal drug laws; and

(B) Do not require a license from the federal drug enforcement agency.

(2) Prescriptive authority under this section must be:

(A) Exercised under the general supervision of a licensed dentist;

(B) Pursuant to rules promulgated by the board; and

(C) In compliance with all applicable laws concerning prescription packaging, labeling, and record keeping requirements.

(3) A prescription written by a dental hygienist under this part must be reviewed by a dentist within thirty (30) days.

(4) The board shall determine by rule the educational and training requirements necessary for a dental hygienist to exercise prescriptive authority pursuant to this section.

(5) The board shall determine by rule the percentage of fluoride or any other active ingredient in any medication that may be prescribed by a dental hygienist under this subsection.

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SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.

Rep. M. Hill moved that the House concur in Senate Amendment No. 1 to **House Bill No. 657**, which motion prevailed by the following vote:

Ayes ..... 92  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Hakeem, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--92

**UNFINISHED BUSINESS**

**MOTION TO PLACE BILL ON CALENDAR**

Rep. Lamberth moved that **House Bills Nos. 1536, 1537, 1538, 1539, 1540, 1541 and 1531** be placed on the Naming, Designating, & Private Acts Committee Calendar for today, which motion prevailed.

**BILL HELD ON DESK**

Rep. Holt moved that **House Joint Resolution No. 521** be held on the Clerk's desk, which motion prevailed.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 521** Reps. Curcio, Garrett, Lamberth, Doggett, Griffey, Littleton, Daniel, Sanderson, Van Huss, Carter, Ogles, Sherrell, Rudder, Eldridge, Faison, Farmer, Howell, Hulsey and Byrd as prime sponsors.

**House Bill No. 1158** Reps. Ragan, Smith and Hardaway as prime sponsors.

**House Bill No. 1530** Rep. Zachary as prime sponsor.

**House Bill No. 1539** Rep. Sparks as prime sponsor.

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**MESSAGE FROM THE SENATE  
April 23, 2019**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 453, 454, 455, 456 and 457; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 23, 2019**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 74, 339, 743, 817, 944, 1023, 1317, 1347, 1350, 1360, 1367 and 1406; substituted for Senate Bills on same subjects and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED  
April 23, 2019**

The Speaker announced that he had signed the following: House Bills Nos. 73, 168, 252, 266, 422, 571, 785, 788, 926, 940, 1361, 1517, 1522 and 1523.

GREG GLASS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK  
April 23, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 51, 86, 104, 187, 295, 381, 396, 536, 603, 655, 686, 705, 838, 868, 1078, 1142, 1190, 1242, 1303, 1342, 1388, 1503, 1505, 1506 and 1513; House Joint Resolutions Nos. 434, 435, 436, 437, 438, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450 and 451; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR  
April 23, 2019**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bills Nos. 12, 283, 478, 699, 856, 912, 924, 1245 and 1504; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

**MESSAGE FROM THE SENATE**

**April 23, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 96, 99, 213, 457, 458, 459, 460, 461, 462, 463, 464, 465, 467, 468, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495 and 496; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED**

**April 23, 2019**

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 96, 99, 213, 457, 458, 459, 460, 461, 462, 463, 464, 465, 467, 468, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495 and 496.

TAMMY LETZLER, Chief Clerk

**ENGROSSED BILLS**

**April 23, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 174, 197, 247, 257, 268, 350, 448, 451, 464, 471, 474, 513, 557, 597, 632, 676, 710, 771, 794, 874, 886, 1016, 1075, 1077, 1165, 1192, 1300, 1324, 1328, 1339, 1461, 1483, 1500, 1515, 1519, 1520, 1521, 1525, 1526 and 1528.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS**

**April 23, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 643 and 667; House Joint Resolutions Nos. 133, 140, 396, 516, 517, 518, 519 and 520.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS**

**April 23, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 658; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**TUESDAY, APRIL 23, 2019 - THIRTY-SECOND LEGISLATIVE DAY**

**ENROLLED BILLS**

**April 23, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 107, 108 and 109; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED**

**April 23, 2019**

The Speaker announced that he had signed the following: House Resolutions Nos. 107, 108 and 109.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**April 23, 2019**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 73, 168, 252, 266, 422, 571, 785, 788, 926, 940, 1361, 1517, 1522 and 1523; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 23, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 72, 275, 594, 668 and 731; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 23, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 159; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS**

**April 23, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 657; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS  
April 23, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 939 and 991; House Joint Resolutions Nos. 394, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575 and 576.

GREG GLASS, Chief Engrossing Clerk

**ROLL CALL**

The roll call was taken with the following results:

Present..... 96

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada -- 96

**RECESS**

On motion of Rep. Lamberth, the House stood in recess until 9:00 a.m., Wednesday, April 24, 2019.